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European Union

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AVIATION 30
USA 45
RELEX 243

DECLASSIFICATION

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Subject: Draft Council Decision authorising the Commission to open negotiations on a Memorandum of Cooperation in Civil Aviation Research and Development with the Federal Aviation Administration of the United States of America

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 March 2010

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NOTE

from : General Secretariat of the Council
to : delegations

No. prev. doc. : 7779/09 AVIATION 29 USA 39 RELEX 241
No. Cion prop. : 10864/09 AVIATION 94 RELEX 558 USA 40 RESTREINT UE

Subject : Draft Council Decision authorising the Commission to open negotiations on a Memorandum of Cooperation in Civil Aviation Research and Development with the Federal Aviation Administration of the United States of America

Delegations will find in Annex US comments on the last version of the Annex I to the Memorandum of Cooperation (SESAR NextGen).

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ANNEX

FORMATTING KEY:

Text acceptable to negotiators (ad referendum)

EU proposed text

US proposed text

[] indicate alternate language

DRAFT

ANNEX 1 TO

MEMORANDUM OF COOPERATION

BETWEEN THE

UNITED STATES OF AMERICA

AND THE

EUROPEAN UNION

SESAR-NEXTGEN COOPERATION FOR GLOBAL INTEROPERABILITY

WHEREAS SESAR AND NEXTGEN ARE RESPECTIVELY THE EUROPEAN UNION'S AND THE UNITED STATES OF AMERICA'S PROGRAMMES FOR DEVELOPING A NEW GENERATION AIR TRAFFIC SYSTEMS.

WHEREAS THE SESAR JOINT UNDERTAKING WAS ESTABLISHED ON 27.02.2007 BY THE COUNCIL OF THE EUROPEAN UNION'S REGULATION 219/2007 FOR THE PURPOSE OF MANAGING THE SESAR DEVELOPMENT PHASE;

The United States and the European Union (collectively the "Parties", and individually a "Party"),

HAVE AGREED AS FOLLOWS:

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ARTICLE I — PURPOSE

The purpose of this Annex is to implement the Memorandum of Cooperation NAT-I-9406 (the Memorandum) by setting forth the terms and conditions under which the Parties shall establish cooperation to ensure global interoperability between their respective Air Traffic Management (ATM) modernization programmes, NextGen and SESAR, taking into account the interests (needs) of civil and military airspace users.

ARTICLE II — PRINCIPLES

Within the framework of the NextGen and SESAR programmes and in accordance with the principles set out in Article I.3 of the Memorandum, the Parties:

- A. will endeavour to open their relevant consultative bodies and industrial initiatives, *[such as those referred to in Appendix I]* ~~[delete]~~, as appropriate, to participation by governmental and industrial entities from the other party as may be agreed on by them.
- B. will endeavour to provide opportunities to the industry from each other's side in terms of contributing to work and granting access to information and results on equivalent research and development programmes and projects.
- C. shall commonly *[agree on]* ~~[identify]~~ the domains that allow *[and require]* ~~[delete]~~ specific reciprocity measures and *[shall]* ~~[delete]~~ establish the appropriate terms and conditions for their implementation and monitoring. *[The specific domains and activities and the related implementation modalities and indicators shall be defined in the Appendices to the Memorandum.]* ~~[delete]~~

ARTICLE III — SCOPE OF WORK

- A. The scope of the work is to contribute to ATM research and development for global interoperability. The work *[shall]* ~~[may]~~ include, but is not limited to, the activities set out in paragraphs 1 to 5 of the present Article.

1. Transversal Activities

Transversal activities cover those tasks that are not specific to any one operational or technical development, but have dependencies across the SESAR and NextGen

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Programmes. These activities are of particular importance to the cooperation as any diverging approach potentially has wide-reaching material implications for harmonisation and interoperability. In this area, the Parties shall [endeavour] [envisage] to address:

- a. Operations concept and roadmap
- b. Separation provision
- c. Road-mapping including standardisation and regulation with a view to facilitate implementation synchronisation.
- d. Business case and investment planning
- e. Environment

2. Information Management

The key focus on Information Management is to ensure timely distribution of accurate and relevant ATM-related information across the stakeholder community in a manner that is seamless (interoperable), secure and supportive of collaborative decision making. . In this area, the Parties shall [endeavour] [envisage] to address:

- a. System Wide Information Management (SWIM) interoperability
- b. Aeronautical Information Management (AIM) interoperability
- c. Meteorological information exchange

3. Trajectory Management

Trajectory Management encompasses air/air and air/ground exchange of four-dimensional trajectories requiring a consistent approach to terminology, definition and exchange of flight information at all times and in all flight phases is a high priority. In this area, the Parties shall [endeavour] [envisage] to address:

- a. Common trajectory definition and exchange
- b. Flight planning and dynamic flight plan updates
- c. Traffic management (including trajectory integration and prediction)
- d. Unmanned Aircraft Systems (UAS) integration into ATM

4. CNS & Airborne Interoperability

Communications, Navigation, Surveillance (CNS) and airborne interoperability includes planning airborne equipage and the development of mutually interoperable air/air and air/ground applications and systems. In this area, the Parties shall [endeavour] [envisage] to address:

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- a. Airborne interoperability
 - i. Airborne Collision Avoidance System (ACAS)
 - ii. Avionics roadmap
 - iii. Airborne Separation Assistance Systems (ASAS) for air/air and air/ground separation assistance
- b. Communications
 - i. Data-link services and technology
 - ii. Flexible communication architecture
- c. Navigation
 - i. Performance Based Navigation
 - ii. Global Navigation Satellite System (GNSS) applications for en route and approach, including approach with vertical guidance
- d. Surveillance
 - i. Automatic Dependent Surveillance (ADS) services and technology

5. Collaborative Projects

Collaborative Projects include ad hoc projects for which the Parties agree that focussed coordination and collaboration is needed. In this area, the Parties shall [endeavour] [envisage] to address:

- a. **Atlantic Interoperability Initiative to Reduce Emissions (AIRE)**
- b. **Oceanic Position Tracking Improvements & Monitoring (OPTIMI)]**

OR

D. Collaborative Projects

The Parties may create collaborative projects, in accordance with the procedure defined in Article III.A.a), covering specific activities for which it is jointly agreed that focussed coordination is needed.]

E. *The Parties may modify the areas listed in A, in accordance with the procedure defined in Article III.A.a). [Delete-goes without saying]*

F. The Parties shall, as necessary, produce on a [reciprocity][reciprocal] basis either, individually or jointly for exchange between them reports describing concepts of use, models, prototypes, evaluations, validation exercises, and comparative studies related to the technical and operational aspects of ATM. Evaluations and validations may use a range of tools such as simulations and live trials.

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ARTICLE IV — MANAGEMENT

The Parties shall **[establish and]** manage projects and activities and ensure that the work in progress remains pragmatic, timely and result-oriented. To this end, the following management levels shall be established:

A. A High Level Committee, which shall be composed of an equal number of participants from the European Commission and from the Federal Aviation Administration (FAA). The European Commission shall be assisted by the SESAR Joint Undertaking.

1. The High Level Committee shall be co-chaired by one representative each from the European Commission and the FAA. The High Level Committee shall meet at least once a year to:
 - a. oversee SESAR-NextGen cooperation
 - b. assess the achieved results
 - c. decide on the launch of new projects and activities upon a proposal from the Coordination Committee defined below
 - d. decide on proposals for new appendices or amendments to existing appendices to this Annex, which it shall submit to the Joint Committee for approval in accordance with Article II.D.3 of the Memorandum.
 - e. give instructions to the Coordination Committee defined below.
2. The High Level Committee shall establish its working procedures and all decisions shall be taken by consensus between the co-chairs.

B. A Coordination Committee, which shall be composed of an appropriate and limited number of participants from the SESAR Joint Undertaking and from the FAA Air Traffic Organisation, which may both be assisted by experts.

1. The Coordination Committee shall be co-chaired by one representative each from the SESAR Joint Undertaking and the FAA Air Traffic Organisation. The Coordination Committee shall meet at least twice a year to:
 - a. monitor the progress of on-going joint projects and activities as defined in the Appendices
 - b. ensure the efficient execution of the Appendices through the Working Groups defined below
 - c. prepare reports to the High Level Committee

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- d. submit proposals for the approval by the High Level Committee including new Appendices or amendments to existing Appendices to this Annex
 2. The Coordination Committee shall establish its working procedures and all decisions shall be taken by consensus between the co-chairs.
- C. Working Groups dedicated to specific projects or activities described in the Appendices. Each Working Group shall be composed of an appropriate and limited number of participants. The working Groups shall meet as necessary, shall comply with instructions given by the Coordination Committee and shall report to it on a regular basis.

ARTICLE V — IMPLEMENTATION

- A. All work provided under this Annex shall be described in appendices that, when signed by the duly authorized representatives of the Parties, shall become part of this Annex.
- B. Each appendix shall be numbered sequentially and contain a description of the work to be performed by the Parties **or the entities they designate to carry out the work**, including the location and planned duration of the work; the personnel and other resources required to accomplish the work; the estimated costs; and any other pertinent information concerning the work.
- C. The Parties shall monitor the application of reciprocity measures.***

ARTICLE VI — FINANCIAL PROVISIONS

- A. Funding of work to be performed under this Annex shall be provided in accordance with Article V of the Memorandum.
- B. Unless otherwise specified in the appendices to this Annex, each Party shall assume the cost of work to be done by it, including the expenses incurred by its representatives.

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ARTICLE VII — POINTS OF CONTACT

A. The designated offices for the coordination and management of this Annex are:

1. For the **United States**:

Africa, Europe & Middle East Office, AEU-10
Federal Aviation Administration
Wilbur Wright Bldg., 6th Floor, East
600 Independence Avenue, S.W.
Washington, D.C. 20591 - USA

Telephone: +1 202-385-8905
Facsimile: +1 202-267-5032

2. For the European Union:

Single European Sky and ATC modernisation Unit
Directorate General Transport
European Commission
Rue de Mot 24
1040 Brussels – Belgium

Telephone: +32 2 296 84 30
Fax: +32 2 296 83 53

B. Technical program liaison for specific activities shall be established as indicated in the appendices to this Annex.

ARTICLE VIII — ENTRY INTO FORCE AND TERMINATION

This Annex shall enter into force on the date of the last signature and shall remain in force until terminated in accordance with Article X of the Memorandum. Termination of this Annex shall terminate all appendices concluded by the Parties pursuant to this Annex. *[\(Note: This Article will have to be adapted in accordance with the specific Institutional procedures\).](#)*

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ARTICLE IX — AUTHORITY

The **United States of America** and the European Union agree to the provisions of this Annex as indicated by the signatures of their duly authorised representatives.

UNITED STATES OF AMERICA

EUROPEAN UNION

BY: _____

BY: _____

TITLE: Acting Assistant Administrator for
International Aviation
Federal Aviation Administration
Department of Transportation

TITLE: _____

DATE: _____

DATE: _____

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